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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,319	10/22/2003	Philip D. Nguyen	2003-IP-010380U1	5926
71/407 ROBERT A. KENT P.O. BOX 1431 DUNCAN, OK 73536	7590 08/31/2010		<div>EXAMINER</div> <div>LIGHTFOOT, ELENA TSOY</div>	
			<div>ART UNIT</div> <div>1715</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE</div> <div>08/31/2010</div>	<div>DELIVERY MODE</div> <div>ELECTRONIC</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action

The Request for Reconsideration filed on August 24, 2010 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance for the reasons of record set forth in the Final Office Action mailed on 7/21/2010.

Response to Arguments

Applicant's arguments filed August 24, 2010 have been fully considered but they are not persuasive.

Applicants maintain the same arguments as discussed in the Final Rejection mailed on 7/21/2010. The Examiner maintains her reasons for rejection.

The following is one of the arguments discussed in the Final Rejection:

Applicants note that the Examiner's arguments that the particles would adhere to one another does not contain a reference to a particular teaching in the cited prior art. It would appear that the Examiner is relying on inherency to argue that two resin coated particulates would adhere to form a coated particulate. However, simply having two resin coated particulates in a solution would not necessarily cause the two particulates to adhere--an interpretation that would further conflict with the express teachings of Nguyen for placing a particulate blend, rather than a composite particulate, into the formation. As stated by the Court of Appeals for the Federal Circuit "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); see also MPEP § 2112. Thus, the fact that two resin coated particulates may adhere in a treatment fluid is insufficient to inherently disclose a reduced-density, coated particulate. To the extent the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicants request that a reference be provided in support of the position that "a blend of separate particles would adhere to the (adhesive) resin on the particles in the stream" pursuant to MPEP § 2144.03. Final Office Action at 6.

The Examiner disagrees with this argument for the reasons discussed in the Final Rejection mailed on 7/21/2010:

Nguyen et al the hardenable epoxy resin rapidly coats particulate materials such as sand, glass beads or *synthetic resin pellets* in a treating composition in the presence of the gelled aqueous carrier liquid and a surface active agent (See column 12, lines 23-28). Thus, one of ordinary skill in the art would reasonably expect that SVDB *beads* of Martin and Beck added to the stream comprising particles coated with the (*adhesive*) epoxy resin would not stay as a blend of separate particles but would adhere to the (adhesive) resin on the particles in the stream because Nguyen et al '864 teaches that the (adhesive) epoxy resin rapidly coats *synthetic resin pellets* in the stream.

Thus, the Examiner relied on references not on "common knowledge" or "well known" principles to establish the rejection, and thus, a reference is not needed to support the position that "a blend of separate particles would adhere to the (adhesive) resin on the particles in the stream" pursuant to MPEP § 2144.03.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENA Tsoy LIGHTFOOT whose telephone number is (571)272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Elena Tsoy Lightfoot, Ph.D.

Primary Examiner

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August 27, 2010

/Elena Tsoy Lightfoot/